

**House Report 107-169 - LEGISLATIVE BRANCH APPROPRIATIONS
BILL, 2002**

**ADDITIONAL VIEWS OF THE HONORABLE JAMES P.
MORAN, THE HONORABLE STENY H. HOYER, AND THE
HONORABLE MARCY KAPTUR**

The Legislative Subcommittee has crafted a good bill that provides Congress and the legislative branch agencies with the resources they need to carry out their mission next year.

Fortunately, the 302(b) allocation this subcommittee received was very favorable. This subcommittee was also fortunate to be able to address key priorities, including an increase in Members' Representational Allowance and a shortfall in the congressional printing account at the Government Printing Office, in the fiscal 2001 supplemental. Combined, these two developments gave the subcommittee the flexibility it needed to craft a good budget and honor most legislative branch agency requests.

The Library of Congress, the General Accounting Office, the Government Printing Office and the Congressional Budget Office will receive largely what they requested. The bill also provides sufficient funds to fill an additional 79 positions for the Capitol Police, bringing the total force to 1,481 FTEs and fully funding the proposed adjustments in training, overtime, wage comparability and COLA. While adequate staffing levels have been a contentious issue in recent years, we recognize that an increase in personnel beyond the 79 new positions cannot be realistically achieved during the coming fiscal year. We expect the Capitol Police to work diligently to fill the 79 new positions that we have funded.

We support the majority's decision to defer the Visitor Center and the Capitol Dome project until certain management and staffing issues within the office of the Architect of the Capitol have been resolved. We fully support making life and safety improvements a priority. We also applaud the Chairman for accepting our language to put a stop to the Architect's long-term use of temporary workers--in many cases for years--without providing them access to the same health, retirement, and other employee benefits that permanent and even other temporary federal workers receive from their first day on the job.

We are pleased to note that sufficient funds will be available to provide a \$65 per month transit benefit to all eligible legislative branch employees. This benefit will help achieve several worthwhile objectives, including restoring transit benefit parity with executive branch employees, reducing the demand for additional parking, and helping to reduce traffic congestion and air

pollution. In addition, we are pleased to see report language directing the Chief Administrative Officer to develop a proposal for a self-sustaining staff fitness center for the House, and during the interim, to replace the shower and changing room facilities that will be lost following demolition of the O'Neill Building. The efforts of our good friend Representative Blumenauer to bring these issues to the subcommittee's attention deserve special recognition. We must not forget the sacrifices our personal staff, committee staff, and other employees, including those at the Government Printing Office, the Capitol Police, the Congressional Research Service and other legislative branch agencies, make everyday to meet deadlines, advance the interests of Members, and serve the public good.

Chairman Taylor and his staff have worked cooperatively with us to craft a bill that deserves strong bipartisan support.

James P. Moran.

Steny H. Hoyer.

Marcy Kaptur.

ADDITIONAL VIEWS OF THE HONORABLE MARCY KAPTUR

We do regret deeply the reluctance of the Committee's majority to consider our pleas to preserve the privileges and prerogatives of the House by maintaining the official House Capitol Committee Chambers solely for House legislative operations. Our Constitution strictly enshrines the separation of powers between the legislative and executive branches. Through unprecedented actions taken earlier this year by the majority party, the historic House Capitol Committee Room (H-208) used by the House Committee on Military Affairs from 1869 to 1908, and then by the Committee on Ways and Means for nearly a century from 1908 until early this year, has been designated for use by the Executive Branch, with specific assignment to the Vice President, who is not an officer of the House. Alarming, this incursion of the Executive Branch is a matter of historic significance and concern. Though the rules of the House grant some measured control of Capitol facilities to the Speaker, those rules do not permit operational legislative chambers of the House to be ceded to the Executive Branch. It is reasonable to question whether this particular decision is an abuse of the Constitutional trust placed in the Speaker to preserve and protect the integrity and legislative privileges of the House of Representatives itself.

This action by the Speaker is truly unprecedented. This decision grants the Executive Branch operational space and quarters in the House itself. Further, this particular space cannot be considered incidental office space used for support functions of the House. Jurisdiction over these rooms falls outside the normal procedures controlled by the House Office Building Commission. This Commission in Rule 5 states `The use of meeting rooms under the jurisdiction of the Commission is restricted to Congressionally related uses or

purposes which serve Members, Committees, Officers, or organizations of the Congress'. If this is the standard we apply to the use of rooms with the greatest distance from the House Chamber, how can we allow a lesser standard to this historic room that is just off the main entrance to the House chamber itself? Indeed, it is part of the heritage of the House, located on the second floor of the Capitol just a few yards from the House Chamber.

The current Vice President served as a member of the House of Representatives from 1979 to 1989. Some have suggested his service as a reason for allowing this room assignment. But no Vice President can be afforded official status as an officer of the House. Surely our system of government is not a parliamentary system. No prior member of the House subsequently elected as Vice President has ever been granted such a privilege. Thirty-one Members of the House have gone on to become Vice President. Thirty previous Vice Presidents, including our past four--Walter Mondale, George Bush, Dan Quayle and Albert Gore--have neither sought nor been granted a Capitol House office in the Legislative Branch. The Vice President, the constitutionally designated President of the Senate, has already been granted gracious and ample quarters on the Senate side of the Capitol. Throughout America's history, the needs of the Vice President in dealing with members of the House of Representatives have been accommodated in far less obtrusive and consequential fashion.

The room in question, H-208, has been the site of many historic House actions. In this Committee room, the Social Security Act and the Medicare Program were first devised, debated, passed for full House action and subsequently improved. Major trade legislation, including the Payne Aldrich Tariff, the Smoot-Hawley Tariff, the North American Free Trade Agreement, and the Permanent Normalization of Trade Relations with China were developed. Revenue acts, dating back to the Revenue Act of 1917, were considered in this Committee room. Of special significance to the House of Representatives, the U.S. Capitol Memorial Fund in memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut, killed in the line of duty protecting Members and staff in the Capitol itself, was established. This Capitol Committee chamber with its proud history as a vital component of the House of Representatives should not be delegated to Executive Branch pursuits without profound question.

The members of the House deserve a thorough explanation of the circumstances surrounding the decision to make this unprecedented allocation of House legislative space, while other officers of the House, including the Minority Leader, the Majority Whip, and the Minority Whip, are required to remain further away from the House Chamber where they have daily responsibilities. Many Committees, including the Appropriations Committee itself, lack sufficient Capitol space to conduct their duties properly. It is unclear who is permitted to use this room, whether Executive Branch staff utilize the space, and how the Legislative Branch is being reimbursed for space occupation and services provided. The Kaptur

amendment intended to provide for a full reporting to the House of this action, but was withdrawn as a courtesy to the Committee leadership, and to avoid having its intent misinterpreted as partisan, rather than Constitutional, in nature.

Surely, Congress should heed the words of President George Washington in his farewell address of September 19, 1796, and let a word to the wise be sufficient:

It is important, likewise, that the habits of thinking in a free Country should inspire caution in those entrusted with its administration, to confine themselves within their respective Constitutional Spheres; avoiding in the exercise of Powers of one department to encroach upon another.

MARCY KAPTUR.

